

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Balinda Antoine,  
5 Plaintiff

6 v.

7 Devon Bell and BWSI Media KHS Trust,  
8 Defendants  
9

2:15-cv-01109-JAD-NJK

**Order Remanding Case Back to  
Nevada State Court  
[ECF 6]**

10 After plaintiff Balinda Antoine initiated eviction proceedings against defendants in a Nevada  
11 state court, defendants filed a “notice of entry of federal removal.”<sup>1</sup> Defendants invoke both  
12 diversity and federal question jurisdiction alleging that the amount in controversy exceeds \$75,000  
13 and citing to the Fair Debt Collection Practice Act.<sup>2</sup> Antoine timely moved to remand arguing that  
14 defendants have not established either basis for federal jurisdiction.<sup>3</sup> Defendants have not opposed  
15 Antoine’s motion or requested an extension to file an opposition, and the deadline for doing so  
16 passed more than a month ago.

17 Local Rule 7-2(d) provides, “[t]he failure of an opposing party to file points and authorities in  
18 response to any motion shall constitute a consent to the granting of the motion.” I deem defendants’  
19 failure to oppose Antoine’s motion a concession that Antoine’s arguments against jurisdiction are  
20 valid and a consent to remand.<sup>4</sup>  
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24 <sup>1</sup> ECF 1.

25 <sup>2</sup> *Id.* at 1–2; 15 U.S.C. § 1692.

26 <sup>3</sup> ECF 6.

27 <sup>4</sup> I also find that defendants have failed to establish the existence of either diversity or federal  
28 question jurisdiction.

1 With good cause appearing and no reason for delay,


2 IT IS HEREBY ORDERED that plaintiff's Motion to Remand [ECF 6] is **GRANTED**. This  
3 case is remanded back to the Justice Court, Clark County, Nevada case number 15E011713.

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5 Dated this 27 day of August, 2015

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Jennifer A. Dorsey  
United States District Judge

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